

**REMARKS**

Reconsideration and allowance are requested.

Claims 9-11 stand rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. These claims were initially drafted according to valid European practice. They have been amended to conform to U.S. patent practice by reciting that the computer program is embodied in a computer readable medium, and that the program comprises computer instructions which when executed cause a computer to perform the method of claim 1. As such, claims 9-11 recite statutory subject matter. Withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

Claims 1-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2001/0003093 to Lundin in view of U.S. Publication No. 2004/0138807 to Jha et al.). This rejection is respectfully traversed.

Independent claims 1 and 5 recite a method and system for obtaining position of a mobile station by first identifying the current network of the mobile base station and then selecting among at least two positioning protocols for communication of location information with the current network based on the identity of the current network.

Commonly-assigned Lundin discloses a communication system which communicates position requests and information over a communication channel. In response to receiving a position request from a first Public Land Mobile Network (PLMN) over a first communications channel, a second PLMN transmits position information related to the roaming mobile station to the first PLMN, preferably over the same first communication channel. Lundin is completely silent about how the first PLMN selects the positioning protocol to use when making the position request.

Jha provides location services to a mobile station using equipment identity information. In Jha's first embodiment, for example, a location server uses the equipment identity information of a mobile station in order to select the best protocol for location services. But this is different from what is recited in claims 1 and 5 where the network in which the mobile station is presently operating is identified, and a positioning protocol is selected based on the identity of the current network—not a mobile equipment identifier. Thus, even if Lundin and Jha could be combined, for purposes of argument, claims 1 and 5 would not have taught all of the features of those claims.

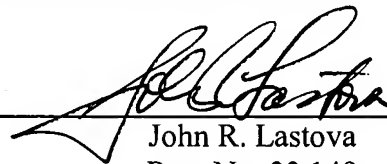
The Examiner asserts it would have been obvious to modify Lundin based on the teachings of Jha to select among protocols based on an identified current network. But Jha does not teach select among protocols based on an identified current network. Nor does the Examiner provide any reasonable evidence why either Jha or Lundin suggests the claimed protocol selection methodology.

The application is in condition for allowance. An early notice to that affect is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



John R. Lastova  
Reg. No. 33,149

JRL:maa  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100